

the great body of the people whose sturdy manhood has been my reliance and my strength, it is impossible to express my deep sense of gratitude. As long as life shall last this partiality and confidence will be proudly and gratefully remembered.

"What may be accomplished in the Senate in justification of your choice I know not, yet you may be assured of adherence to well known political convictions, and that I will constantly bear in mind that I am the representative of a State and a people who acknowledge no superiors, and whose high aim is the ideal in government and in civilization."

At the conclusion of Mr. Culberson's address, the business of the Joint Session being concluded,

On motion of Senator Lewis, the Senate retired to its chamber.

#### IN SENATE.

On motion of Senator Kerr the Senate adjourned until 10 a. m. tomorrow.

#### THIRTEENTH DAY.

Senate Chamber,  
Austin, Texas, Thursday, Jan. 26, 1899.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Goss.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Dibrell. Gough.

Absent—Excused.

Davidson. Patterson.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Morriss, the same was dispensed with.

#### EXCUSED.

On motion of Senator Kerr, Senator

Stone was excused for non-attendance on Friday and Saturday of last week and Monday and Tuesday of this week on account of important business and sickness.

On motion of Senator Stafford, Senator Dibrell was excused for today on account of important business.

On motion of Senator Linn, Senator Gough was excused for today and tomorrow on account of important business.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Jan. 25, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 12, being a bill to be entitled "An Act in relation to the taking of the depositions of the Commissioner of the General Land Office,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Judiciary Committee No. 1.

POTTER, Chairman.

Committee Room,  
Austin, Texas, Jan. 25, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 20, being a bill to be entitled "An Act to set apart and appropriate to the permanent school fund, all lands heretofore or hereafter recovered by the State and to provide for the disposition thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

POTTER, Chairman.

Committee Room,  
Austin, Texas, Jan. 25, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 23, being a bill to be entitled "An Act to promote stock-raising, and to prohibit the hunting with firearms and dogs upon enclosed marsh lands of another, and prescribing penalties, and to define marsh lands,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it *do* pass.

TURNEY, Chairman.

Committee Room,  
Austin, Texas, Jan. 25, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 68, being a bill to be entitled "An Act to amend Article 805, Chapter 3, of the Penal Code as adopted at the Regular Session of the Twenty-fourth Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass, and that the accompanying committee substitute *do* pass in lieu thereof.

TURNEY, Chairman.

Substitute Senate bill No. 68, by Committee.

A bill to be entitled "An Act to promote agriculture and stock-raising, and to prohibit the hunting with fire-arms, or dogs upon the enclosed lands of another in all counties within this State not specially named as exempt from the provisions of this act, and to provide a penalty therefor."

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That it shall be unlawful for any person or persons to hunt with fire-arms or dogs upon the enclosed lands of another, without the consent of the owner thereof, where such lands are in use as agricultural lands or for grazing purposes, having cattle, horses, sheep or goats herding or grazing thereon.

SEC. 2. That any person who shall without the consent of the owner enter the enclosed lands of another and shall, with fire-arms or dogs, hunt on such lands, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than twenty-five dollars, nor more than two hundred dollars.

SEC. 3. That all laws and parts of laws, in so far as the same conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 4. That the following counties be and the same are hereby exempted, and the provisions of this act shall not have effect, or be operative therein, nor in any thereof, viz.:

SEC. 5. That great importance of protection of agricultural lands, and to the cattle and stock interests in certain portions of the State and there being no law giving such adequate protection as this

act provides, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each House, and that this act take effect and be in force from and after its passage, and it is so enacted.

## BILLS AND RESOLUTIONS.

By Senator Potter:

Whereas, It is made apparent by the Hon. A. J. Baker, in his report, as retiring Land Commissioner, and forcefully called to the attention of the Legislature of the State of Texas by the Governor, in his recent message; that the State of Texas is largely indebted to the permanent school fund of the said State, by the reason of the fact that out of the public domain, one-half of which belongs to said permanent school fund, the Commissioner of the General Land Office has permitted to be obtained through preemption, location of certificates, and other grants, largely, more of the public domain of this State, than properly belonged to the State, thereby taking for the benefit of the State many millions of acres of land that belonged to the permanent school fund without compensation to said school fund, and

Whereas, It is impossible from said report of said Land Commissioner, or from any other source of information before the Senate, to ascertain the exact amount of lands so belonging to said school fund that has been wrongfully appropriated through the General Land Office to the benefit of the State; therefore be it

Resolved, That the Commissioner of the General Land Office be requested and required to inform the Senate, in writing, by ten o'clock Friday morning, January 27th, 1899, whether or not the said Land Office can give to the Senate the positive and authoritative information as to the exact condition of the account between the lands belonging to the permanent school fund and those regarded as belonging to the State since the adoption of the Constitution of 1876, and to inform the Senate, if he can, how much land belonging to the unappropriated public domain there was at the time of the adoption of the said Constitution, and what has become of the same, showing how much has gone to the benefit of the public school fund in any way whatever, and how much has been appropriated to the benefit of the State. It being the object and purpose hereof to obtain the exact state of accounts between the State of Texas and the said permanent school fund, growing out of their joint

land interest since the adoption of the said Constitution.

If said Land Commissioner is not prepared at present to give such authoritative information in a manner that it authorizes the Legislature to act thereon, then he shall state in writing, to the Senate in his answers hereto, about what length of time, in his judgment, it will require for him to furnish such accurate information, and what number of additional clerks, if any, and what amount of appropriations, if any, will be necessary to obtain such information as speedily as possible and as accurately as can be made, and if said Commissioner requires longer than ten days to furnish such competent information, then he shall state in his answers hereto, why such longer time is necessary.

A copy hereof shall at once be handed said Land Commissioner by the Journal Clerk of the Senate.

Adopted.

By Senator Miller:

Resolved, That Senate bill No. 55, and all amendments thereto be referred to a special committee of five to be appointed by the President.

Adopted, and the Chair appointed Senators Miller (chairman), Neal, Hanger, Odell and Lewis.

By Senator Yett:

Senate bill No. 72, A bill to be entitled "An Act to incorporate the city of Austin, to grant it a new charter, and to fix its boundaries."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Odell:

Senate bill No. 73, A bill to be entitled "An Act to repeal Chapter 10, of Title LXXIX, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Odell:

Senate bill No. 74, A bill to be entitled "An Act to repeal Article 325, Title V, Chapter 4, of the Code of Criminal Procedure, Revised Statutes of the State of Texas, relating to the giving of bonds, and to amend Article 326, same title and chapter, relating to the same subject."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Atlee:

Senate bill No. 75, A bill to be entitled "An Act to amend Article 5043, of the Revised Civil Statutes of the State of Texas as amended by act of the Twenty-fifth Legislature, so as to exempt certain counties therein named from the provision of Title CII, Chapter 6, relating

to the inspection of hides and animals."

Read first time, and referred to Committee on Stock and Stock-raising.

Call concluded.

### SPECIAL ORDER.

The Chair laid before the Senate.

Senate bill No. 2, A bill to be entitled "An Act to provide for the creation of level premium mutual life insurance companies in this State, and for the regulation thereof," action being on engrossment.

By Senator Miller:

Amend by striking out Section 11 and substituting therefor,

"Section 11. The cash securities deposited under this act shall be kept in a box or vault in the office of the State Treasurer, who shall give to the Commissioner of Insurance a receipt therefor, and the treasurer shall keep in a book kept for that purpose a list of all such cash securities so deposited with him."

Adopted.

Pending further action, Senator Greer moved to postpone further action till tomorrow after morning call.

Senator Miller moved as a substitute that the bill be considered by sections.

Postponed till tomorrow after morning call.

The Chair laid before the Senate.

Senate bill No. 27, A bill to be entitled "An Act to define 'Legal' and 'Conventional' interest, to create the distinction between the same, and regulate the rate of interest thereof on contracts and judgments, to provide pains and penalties, to prevent usury, and to repeal all laws in conflict with this act," action being on the motion of Senator Gough to reconsider the vote by which his amendment, to wit: "Amend by striking out Section 8 of the bill and changing the other numbers to conform with this amendment," was adopted.

Reconsidered.

By Senator Yantis:

Substitute the amendment: Strike out Section 8 and insert the following:

"Section 8. All written contracts whatsoever, which may in any way, directly or indirectly, violate the preceding article by stipulating for a greater rate of interest than eight per cent. per annum, shall be void and of no effect for the amount or value of the interest only, but the principal sum of money or value of the contract may be received and covered."

Adopted.

Amendment as substituted,

Adopted.

The bill as amended was then ordered engrossed by the following vote:

Yeas—18.

Atlee.	Miller.
Burns.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
James.	Potter.
Johnson.	Terrell.
Lewis.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.

Nays—7.

Greer.	Sebastian.
Kerr.	Stafford.
Linn.	Stone.
Ross.	

Absent.

Goss.	Turney.
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Absent—Excused.

Davidson.	Gough.
Dibrell.	Patterson.

#### BILLS ON SECOND READING.

The Chair laid before the Senate, Senate bill No. 4, A bill to be entitled "An Act to amend Title III, Chapter 1, of the Criminal Code of the State of Texas, by adding Articles 79, 80, 81, 82, 83, 84, 85, 86 and 87, and repealing Chapters 2, 3 and 4, of said title, to make accomplices and accessories principal offenders."

Bill read second time and ordered engrossed.

The Chair laid before the Senate,

Senate bill No. 5, being a bill to be entitled "An Act to amend Chapter 4, Title VII, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 525b, providing for the issuance of process for witnesses residing in the county before the meeting of the district court, to testify before the grand jury."

Bill read second time, and ordered engrossed.

By Senator Morriss:

Amend by striking out "525b" wherever it appears in the bill and caption and inserting "525a."

Adopted.

On motion of Senator Morriss, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Grinnan.
Burns.	Hanger.
Greer.	James.

Johnson.	Potter.
Lewis.	Ross.
Linn.	Sebastian.
Lloyd.	Stafford.
McGee.	Stone.
Miller.	Terrell.
Morriss.	Wayland.
Odell.	Yett.

Absent.

Goss.	Neal.
Kerr.	

Absent—Excused.

Davidson.	Gough.
Dibrell.	Patterson.

Bill read third time, and passed by the following vote:

Yeas—23.

Atlee.	Morriss.
Burns.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stone.
Johnson.	Terrell.
Lewis.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Goss.	Neal.
Kerr.	Stafford.

Absent—Excused.

Davidson.	Gough.
Dibrell.	Patterson.

Senator Morriss moved to reconsider the vote by which Senate bill No. 5, was passed, and to lay that motion on the table.

Tabled.

(Senator Potter in the chair.)

The Chair laid before the Senate,

Senate bill No. 8, being a bill to be entitled "An Act to amend Article 1333, of the Revised Civil Statutes of Texas, relating to the submission of special issues to the jury."

Bill read second time, and ordered engrossed.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Linn.
Burns.	Lloyd.
Grinnan.	McGee.
Hanger.	Miller.
James.	Morriss.
Johnson.	Odell.
Lewis.	Potter.

Ross.	Turney.
Sebastian.	Wayland.
Stone.	Yantis.
Terrell.	Yett.

Nays—1.

Greer.

Absent.

Goss.	Stafford.
Neal.	

Absent—Excused.

Davidson.	Gough.
Dibrell.	Patterson.

Bill read third time, and passed by the following vote:

Yeas—23.

Atlee.	Morriss.
Burns.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stone.
Johnson.	Terrell.
Lewis.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Goss.	Neal.
Kerr.	Stafford.

Absent—Excused.

Davidson.	Gough.
Dibrell.	Patterson.

The Chair laid before the Senate, Senate bill No. 16, A bill to be entitled "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768 and 3770, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 3776a and 3776b, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas."

Bill read second time, and on motion of Senator Morriss further consideration was postponed till Monday next, after morning call.

(President Pro Tem Stafford in the chair.)

The Chair laid before the Senate, Senate bill No. 18, A bill to be entitled "An Act for the relief of railway corporations, and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law."

Bill read second time.

By Senator Grinnan:  
Amend Bill No. 18 by adding after Section 3 the following:

"Every railroad company availing itself of any of the rights and privileges hereinbefore provided, shall waive all rights to sue the State of Texas, or any of its officers in the Federal courts, and any railroad company which may avail itself of any of said rights or privileges which shall bring suit in the Federal courts against the State of Texas, or any of the officers of said State, shall ipso facto forfeit all the said rights and privileges, and be remanded to the same condition as it was prior to the adoption of this act."

Senator Burns moved to lay the amendment on the table.

Tabled by the following vote:

Yeas—16.

Atlee.	Potter.
Burns.	Ross.
Greer.	Stafford.
Hanger.	Stone.
James.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Morriss.	Yett.

Nays—8.

Grinnan.	Miller.
Johnson.	Odell.
Lewis.	Sebastian.
Linn.	Yantis.

Absent.

Goss.	Neal.
Kerr.	

Absent—Excused.

Davidson.	Gough.
Dibrell.	Patterson.

Pending further action,  
Senator Sebastian moved to postpone further consideration till Tuesday next after call.

Lost by the following vote:

Yeas—4.

Grinnan.	Lloyd.
Johnson.	Sebastian.

Nays—20.

Atlee.	Morriss.
Burns.	Odell.
Goss.	Potter.
Greer.	Ross.
Hanger.	Stafford.
James.	Stone.
Lewis.	Terrell.
Linn.	Turney.
McGee.	Wayland.
Miller.	Yett.

Absent.

Kerr.	Yantis.
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## Absent—Excused.

Davidson. Gough.  
Dibrell. Patterson.

The bill was then ordered engrossed.

On motion of Senator Potter the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

## Yeas—21.

Atlee. Neal.  
Burns. Odell.  
Goss. Potter.  
Greer. Ross.  
Hanger. Stafford.  
James. Stone.  
Linn. Terrell.  
Lloyd. Turney.  
McGee. Wayland.  
Miller. Yett.  
Morriss.

## Nays—3.

Grinnan. Sebastian.  
Johnson.

## Absent.

Kerr. Yantis.  
Lewis.

## Absent—Excused.

Davidson. Gough.  
Dibrell. Patterson.

Bill read third time, and passed by the following vote:

## Yeas—21.

Atlee. Neal.  
Burns. Odell.  
Goss. Potter.  
Greer. Ross.  
Hanger. Sebastian.  
James. Stone.  
Linn. Terrell.  
Lloyd. Turney.  
McGee. Wayland.  
Miller. Yett.  
Morriss.

## Nays—2.

Grinnan. Johnson.

## Absent.

Kerr. Stafford.  
Lewis. Yantis.

## Absent—Excused.

Davidson. Gough.  
Dibrell. Patterson.

Senator Potter moved to reconsider the vote by which Senate bill No. 18 was passed, and to lay that motion on the table.

Tabled.

(Senator Atlee in the chair.)

The Chair laid before the Senate,

Senate bill No. 19, A bill to be entitled

“An Act to amend Article 5049, of Chapter 1, Title CIV, of the Revised Statutes, relating to general occupation taxes.”

Bill read second time with committee substitute, to-wit:

Senate Substitute bill No. 19 (by committee), A bill to be entitled “An Act to repeal Subdivision 14, of Article 5049, Chapter 18, Title CIV, of the Acts of the first Called Session of the Twenty-fifth Legislature, relating to occupation taxes on physicians and surgeons.”

Be it enacted by the Legislature of the State of Texas:

Section 1. That Subdivision 14, of Article 5049, Chapter 18, Title CIV, of the Acts of the first Called Session of the Twenty-fifth Legislature be and the same is hereby repealed.

Sec. 2. Whereas, the collection of occupation taxes on physicians and surgeons is unjust, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

(Lieutenant-Governor Browning in the chair.)

Committee substitute bill adopted, and ordered engrossed.

On motion of Senator Lloyd the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

## Yeas—22.

Atlee. Morriss.  
Burns. Odell.  
Greer. Potter.  
Grinnan. Ross.  
Hanger. Sebastian.  
James. Stone.  
Johnson. Terrell.  
Lewis. Turney.  
Lloyd. Wayland.  
McGee. Yantis.  
Miller. Yett.

## Absent.

Goss. Neal.  
Kerr. Stafford.  
Linn.

## Absent—Excused.

Davidson. Gough.  
Dibrell. Patterson.

Bill read third time, and passed by the following vote:

## Yeas—20.

Burns. Lewis.  
Grinnan. Linn.  
Hanger. Lloyd.  
James. McGee.  
Johnson. Miller.

Morriss.	Terrell.
Odell.	Turney.
Ross.	Wayland.
Sebastian.	Yantis.
Stone.	Yett.

Nays—1.

Potter.

Absent.

Atlee.	Kerr.
Goss.	Neal.
Greer.	Stafford.

Absent—Excused.

Davidson.	Gough.
Dibrell.	Patterson.

The Chair laid before the Senate,  
Senate bill No. 29, A bill to be entitled  
"An Act to provide for jointly suing com-  
mon carriers."

Bill read second time with committee  
amendment.

Committee amendment, to-wit:

Amend by adding after the word  
"shipped" (the last time it occurs in the  
bill) the following: "In any county or  
precinct in which either road may now  
be sued by existing laws."

Adopted.

The bill was then ordered engrossed.

The Chair laid before the Senate,

Senate bill No. 32, A bill to be entitled  
"An Act to amend Article 128, Title IX,  
Chapter 1, of the Revised Civil Statutes  
of the State of Texas, relating to the  
apprehension of lunatics."

Bill read second time.

Pending action on engrossment,

On motion of Senator Terrell the Sen-  
ate adjourned until 10 a. m. tomorrow.

#### FOURTEENTH DAY.

Senate Chamber,

Austin, Texas, Friday, Jan. 27, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the  
chair.

Roll called. Quorum present, the fol-  
lowing Senators answering to their  
names:

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
McGee.	

Absent—Excused.

Davidson.	Patterson.
Gough.	

Prayer by the Chaplain, Rev. Dr.  
Denson.

Pending the reading of the Journal of  
yesterday,

On motion of Senator McGee, the same  
was dispensed with.

EXCUSED.

On motion of Senator Lloyd, W. B.  
O'Quinn, Journal Clerk, was excused in-  
definitely, on account of sickness in his  
family.

On motion of Senator Johnson, Sena-  
tor Odell was excused for today and to-  
morrow (Saturday), on account of im-  
portant business.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 26, 1899.

*Hon. J. N. Browning, President of the  
Senate.*

SIR: Your Judiciary Committee No.  
1, to whom was referred

Senate bill No. 11, being a bill to be  
entitled "An Act to provide for the right  
of redemption of real estate within one  
year from date of sale when sold under  
execution, mortgage, or other lien,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it *do not* pass.

ATLEE, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1899.

*Hon. J. N. Browning, President of the  
Senate.*

SIR: Your Judiciary Committee No.  
1, to whom was referred

Senate bill No. 3, being a bill to be  
entitled "An Act to provide for the sale  
of real estate under mortgage, deed of  
trust, execution or other lien, and to pro-  
vide for the right of redemption of real  
estate within two years from date of  
sale when sold under execution, mort-  
gage, deed of trust, or other lien, etc.,  
and to repeal all laws in conflict here-  
with,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it *do not* pass.

ATLEE, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1899.

*Hon. J. N. Browning, President of the  
Senate.*

SIR: Your Judiciary Committee No.  
1, to whom was referred